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Attorneys for Defendants  
Philip Morris Incorporated  
and Philip Morris Companies Inc.

DAVID CUMMIS AND STEPHANY  
GESSER, On Behalf of Themselves and All  
Others Similarly Situated,

Plaintiffs,

PHILLIP MORRIS COMPANIES,  
INC. and PHILLIP MORRIS, INC.

Defendants.

**FILED**  
SEP 16 2002  
JUDGE MARINA CORODEMUS

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY  
DOCKET NO. MID-L-1526-99MT  
CASE CODE 241


Civil Action


TOBACCO LITIGATION

STIPULATION WITHDRAWING  
DAVID CUMMIS AS NAMED  
PLAINTIFF AND PROPOSED  
CLASS REPRESENTATIVE

IT IS HEREBY STIPULATED AND AGREED between the parties that David

Cummis is hereby withdrawn as a named plaintiff and proposed class representative in the above  
matter, without prejudice to his position as an absent class member.

  
Lisa J. Rodriguez  
Attorney for Plaintiffs

  
Christopher J. Michie  
Attorney for Defendants